

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

ORDER

The above captioned matter came before the Court on plaintiffs' unopposed motion for preliminary approval of service awards [DE 100]. The Court has considered the pleadings and the record and denies the motion for service awards. The Court requests additional briefing on the issue of service awards.

To begin, this Court requests additional information on the time and effort expended by the named plaintiffs. Cirillo asserts that she did extensive legal research, contacted counsel, assisted counsel, engaged in interviews with counsel, and invested time in the appeal process. *See* [D.E. 101] 2–3. Stiles asserts that she filed a complaint, maintained contact with counsel to provide information, and assisted with the investigation and prosecution, including the second complaint. *See* [D.E. 101] 8–10. However, Cirillo and Stiles provide no hours estimate. It is

difficult to surmise the true amount of effort without an estimated hours calculation or even more specific named tasks.

Additionally, this Court requests additional information on the percentage of the gross service awards to the ultimate recovery. Plaintiffs cited multiple cases in support of their service awards. However, these cases discussed the named plaintiffs' service award in relation to the expected average class member's recovery, typically looking for a range of 12.5 to 21 times the average class member award. *See Seaman v. Duke Univ.*, No. 1:15-CV-462, 2019 WL 4674758, at *7 (M.D.N.C. Sept. 25, 2019). The Court asks that plaintiffs provide an estimate of this information in additional briefing if it is available.

Thus, the Court asks that counsel file a new motion for preliminary approval of service awards and submit additional briefing *briefly* providing the additional requested information.

CONCLUSION

Plaintiff's unopposed motion for preliminary approval of service awards is DENIED WITHOUT PREJUDICE.

SO ORDERED. This 1 day of September, 2023.


The Honorable Terrence W. Boyle
United States District Judge